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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 13

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Argentina, Armenia*, Australia*, Austria, Azerbaijan*, Belgium*, Bolivia*, Bosnia and Herzegovina*, Brazil, Bulgaria*, Cape Verde, Chile, Colombia*, Costa Rica*, Croatia*, Cyprus*, Czech Republic, Denmark, Dominican Republic*, Ecuador, Estonia*, Finland*, Former Yugoslav Republic of Macedonia*, France, Georgia*, Germany, Greece*, Haiti*, Honduras*, Hungary*, Iceland*, Ireland, Italy, Latvia*, Liechtenstein*, Lithuania*, Luxembourg, Mali, Malta*, Mexico, Moldova*, Netherlands*, New Zealand*, Nicaragua*, Norway*, Panama*, Paraguay*, Poland, Portugal*, Romania*, Russian Federation, San Marino*, Slovakia*, Slovenia*, South Africa, Spain*, Sweden*, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution

1998/... Question of the death penalty

The Commission on Human Rights

Recalling article 3 of the Universal Declaration of Human Rights, which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (a) of the Convention on the Rights of the Child,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council

Recalling General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 on capital punishment, as well as resolution 44/128 of 15 December 1989, in which the Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1989/64 of 24 May 1989, 1990/29 of 24 May 1990, 1990/51 of 24 July 1990 and 1996/15 of 23 July 1996,

Recalling also its resolution 1997/12 of 3 April 1997 in which the Commission expressed its conviction that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

Welcoming the exclusion of capital punishment from the penalties that the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda are authorized to impose,

Welcoming the fact that several countries, while still keeping the death penalty in their penal legislation, are applying a moratorium on executions,

Referring to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1998/68 and Add.1-3), with respect to the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984,

Deeply concerned that several countries impose the death penalty in disregard of the limitations provided for in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

Concerned also that several countries, in imposing the death penalty, do not take into account the Safeguards guaranteeing protection of the rights of those facing the death penalty,

1. Welcomes the report of the Secretary-General containing information on changes in law and practice concerning the death penalty worldwide and further positive developments reflected in that report (E/CN.4/1998/82 and Corr.1);

2. Calls upon all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

3. Urges all States that still maintain the death penalty:

(a) To comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes, not to impose it for crimes committed by persons below eighteen years of age, to exclude pregnant women from capital punishment and to ensure the right to seek pardon or commutation of sentence;

(b) To observe the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984;

4. Calls upon all States that still maintain the death penalty:

(a) Progressively to restrict the number of offences for which the death penalty may be imposed;

(b) To establish a moratorium on executions, with a view to completely abolishing the death penalty;

(c) To make available to the public information with regard to the imposition of the death penalty;

5. Requests the Secretary-General to continue to submit to the Commission on Human Rights, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty;

6. Decides to continue consideration of the matter at its fifty-fifth session under the same agenda item.

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 13

STATUS OF THE INTERNATIONAL COVENANT ON HUMAN RIGHTS

Argentina, Australia,* Austria, Belarus, Canada, Chile, Croatia,* Czech Republic, Denmark, El Salvador, Finland,* Germany, Hungary,* Iceland,* Ireland, Italy, New Zealand,* Nicaragua, Norway,* Poland, Republic of Korea, Senegal, Slovakia,* South Africa, Sweden,* Switerlamd* and Venezuela: draft resolution

1998/... Status of the International Covenants on Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 52/116 of 12 December 1997, and its own decision 1997/104 of 3 April 1997,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the core of the International Bill of Human Rights,

Having considered the report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1998/83 and E/CN.4/1998/84),

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in its article 41;

3. Invites the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Stresses the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency, so that the justification for the appropriateness of measures taken in these circumstances can be assessed;

6. Also stresses the importance of fully taking into account the gender perspective in the implementation of the International Covenants on Human Rights at the national level, including the national reports, and in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

7. Encourages the States parties to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

8. Also encourages the States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

9. Invites the Committees to identify specific needs of States parties that might be addressed through the advisory services and technical assistance programme of the Office of the High Commissioner for Human Rights, with the possible participation of members of the Committees where appropriate;

10. Welcomes the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar human rights questions to respect those uniform standards, as expressed in the general comments of the Committees;

11. Takes note of the general comments adopted by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights since the fifty-third session of the Commission;

12. Urges States parties to fulfil in good time such reporting obligations under the International Covenants on Human Rights as may be requested and in their reports to make use of gender-disaggregated data;

13. Also urges States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the observations made at the conclusion of the consideration of their reports by the Human Rights, Committee and by the Committee on Economic, Social and Cultural Rights, as well as the views adopted by the Human Rights Committee

under the Optional Protocol to the International Covenant on Civil and Political Rights;

14. Invites States parties to give particular attention to the dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports;

15. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

16. Requests the Secretary-General to consider ways and means of assisting States parties to the International Covenants on Human Rights in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

17. Also requests the Secretary-General to ensure that the Office of the High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, including by the provision of adequate Secretariat staff resources;

18. Further requests the Secretary-General to submit to the Commission, at its fifty-fifth and fifty-sixth sessions, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations;

19. Decides to consider the question at its fifty-fifth session under the item entitled "Status of the International Covenants on Human Rights".

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
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STATUS OF THE INTERNATIONAL COVENANT ON HUMAN RIGHTS

Austria, Australia*, Belarus, Croatia*, Cyprus*, Czech Republic, France, Germany, Greece*, India, Ireland, Italy, Latvia*, Luxembourg, Mexico, Nepal, Poland, Romania*, Russian Federation, Rwanda, Slovenia*, Slovakia*, Spain*, Uganda and United States of America: draft resolution

1998/... Fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other relevant international instruments of human rights,

Recalling that the General Assembly, in adopting the Universal Declaration of Human Rights on 10 December 1948, recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling that the General Assembly, in adopting the Convention on the Prevention and Punishment of the Crime of Genocide on 9 December 1948, recognized genocide as an odious scourge which had inflicted great losses on humanity and was convinced that international cooperation was required to facilitate the speedy prevention and punishment of the crime of genocide,

Concerned that despite the efforts of the international community, many thousands of innocent human beings continue to be victims of genocide,

Recalling the adoption by the General Assembly of resolution 96 (I) of 11 December 1946 in which it declared genocide to be a crime under international law, contrary to the spirit and aims of the United Nations,

Taking into consideration the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968,

Considering that the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide provides a new opportunity for the international community to draw the attention of all States to the significance of the Convention and to invite them to redouble their efforts for the prevention and punishment of the crime of genocide,

1. Reaffirms the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the punishment of the crime of genocide;

2. Expresses its appreciation to all States that have ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide;

3. Invites States that have not yet ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide to consider doing so;

4. Calls upon all States to increase and intensify their activities aimed at the full implementation of the provisions of the Convention.

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Fifty-fourth session
Agenda item 14

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Australia*, Austria, Canada, Finland*, New Zealand*, Norway*, Romania* and Spain*: draft resolution

1998/.. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The Commission on Human Rights,

Taking note of General Assembly resolutions 51/87 of 12 December 1996 and 52/118 of 12 December 1997, and recalling its resolution 1996/22 of 19 April 1996 as well as its decision 1997/105 of 3 April 1997, as well as other relevant resolutions,

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for an observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Reiterating its concern about the large number of overdue reports under the United Nations human rights instruments,

Reiterating also its concern about the increasing backlog of reports on the implementation by States parties of certain United Nations human rights instruments and about delays in consideration of reports by treaty bodies,

Concerned that the lack of adequate resources impedes the effective functioning of the treaty bodies, including in regard to their ability to work in the applicable working languages,

Recalling that the effectiveness of the treaty bodies in encouraging the realization by States parties of their obligations under the United Nations human rights instruments requires constructive dialogue aimed at assisting States parties in identifying solutions to human rights problems and should be based on the reporting process supplemented by information from all relevant sources which should be shared with all interested parties,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

1. Welcomes the reports of the seventh and eighth meetings of the persons chairing the human rights treaty bodies (A/51/482, annex and A/52/507, annex), held at Geneva from 16 to 20 September 1996 and from 15 to 19 September 1997, respectively, and the holding of the ninth meeting in Geneva from 25 to 27 February 1998, and takes note of the conclusions and recommendations proposed at those meetings;

2. Encourages each treaty body to continue to give careful consideration to the relevant conclusions and recommendations contained in the reports of the persons chairing the human rights treaty bodies;

3. Takes note of the report of the Secretary-General on the effective functioning of bodies established pursuant to United Nations human rights instruments (E/CN.4/1998/85 and Add.1 and Corr.1);

4. Welcomes the submission of comments by Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons on the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system (E/CN.4/1997/74) and the Secretary-General's report thereon, including the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations;

5. Notes with appreciation the attention given by the human rights treaty bodies and the persons chairing the human rights treaty bodies to the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system and to the Secretary-General's report on the comments by Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons;

6. Invites the Secretary-General to continue to solicit the views of Governments, United Nations bodies, specialized agencies, intergovernmental and non-governmental organizations and interested persons on the report of the independent expert and to submit a report thereon, including the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations, taking into account further developments, to the Commission at its fifty-sixth session;

7. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources in order to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(c) Calls upon the Secretary-General to seek in the next biennium the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

8. Notes with interest the proposal for a plan of action to enhance the resources available to all the human rights treaty bodies, and encourages the High Commissioner for Human Rights to prepare a draft plan of action for consideration by the persons chairing the treaty bodies at their next meeting;

9. Takes note of the measures taken by each of the human rights treaty bodies to improve their functioning, as reflected in their respective annual reports, and urges continuing efforts by the human rights treaty bodies

and the Secretary-General to help improve the meeting of reporting obligations by States parties and to reduce the backlog in the consideration of reports by treaty bodies;

10. Welcomes the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the next meeting of the persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

11. Takes note with appreciation of the efforts of the persons chairing the treaty bodies to promote appropriate reforms of the reporting system with a view to, inter alia, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages them to continue these efforts, including through ongoing examination of the proposal for reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports, and the methods of work of the treaty bodies;

12. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

13. Urges States parties to make every effort to meet their reporting obligations under United Nations human rights instruments;

14. Welcomes the publication of the revised Manual on Human Rights Reporting, and requests the United Nations High Commissioner for Human Rights to take the necessary measures to ensure that the revised Manual will be translated into all official languages at the earliest opportunity;

15. Welcomes the recommendation made at the meetings of the persons chairing the human rights treaty bodies that a priority of the technical cooperation programme of the Office of the High Commissioner for Human Rights should be to provide assistance to States parties, upon their request, with the implementation of the United Nations human rights instruments and, in particular, the recommendation made at the ninth meeting concerning the

provision of assistance to States, upon their request, in the process of ratifying such instruments and the preparation of initial reports;

16. Invites States parties that have not yet submitted their initial reports under United Nations human rights instruments to avail themselves, where necessary, of technical assistance;

17. Encourages the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties, and encourages States parties to consider carefully the concluding observations of the treaty bodies in identifying their needs for technical assistance;

18. Urges each State party whose report has been examined by a treaty body to translate, publish and make available in its territory the full text of the concluding observations of the treaty body on its report and to provide adequate follow-up to those observations;

19. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and United Nations bodies, and encourages the specialized agenices and United Nations bodies, the Office of the High Commissioner for Human Rights and the persons chairing the human rights treaty bodies to continue to explore specific measures to intensify the cooperation among them, and also encourages in this context meetings of the persons chairing the human rights treaty bodies to invite, when appropriate, senior representatives of the specialized agencies and United Nations bodies to attend their meetings;

20. Recognizes the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

21. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographic distribution of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights, and encourages States parties, individually and through meetings of States parties, to consider how to give better effect to these principles;

22. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate and, in this regard, welcomes the request of the persons chairing the human rights treaty bodies that the Division for the Advancement of Women of the Secretariat should prepare a study, for use by the United Nations High Commissioner for Human Rights and the treaty bodies, analysing what each treaty body has done to incorporate gender perspectives into its work and making practical suggestions about what each could do to further incorporate gender perspectives;

23. Also welcomes the contribution of the treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports under their respective human rights treaties;

24. Encourages the persons chairing the human rights treaty bodies to pursue at their next meeting the reform process aimed at improving the effective implementation of international instruments on human rights;

25. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-sixth session on measures taken to implement the present resolution and obstacles to its implementation, and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

26. Decides to consider the question on a priority basis at its fifty-sixth session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

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Agenda item 5

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Afghanistan,* Algeria,* Bangladesh, Bhutan, Cameroon,* Canada, Cape Verde, Chile, China, Colombia,* Congo, Cuba, Democratic Republic of the Congo, Democratic People's Republic of Korea,* Denmark,* Dominican Republic,* Ecuador, El Salvador, Ethiopia,* Egypt,* Finland,* France, Guatemala, Guinea, Haiti,* India, Iran (Islamic Republic of),* Iraq,* Ireland, Italy, Kenya,* Libyan Arab Jamahiriya,* Madagascar, Mali, Mauritania,* Mexico, Mozambique, Nepal, Nigeria,* Pakistan, Panama,* Peru, Portugal,* Rwanda, Senegal, South Africa, Sri Lanka, Swaziland,* Syrian Arab Republic,* Togo,* Uganda, United Republic of Tanzania, Venezuela, Viet Nam,* and Yemen*:

draft resolution

1998/... The right to food

Recalling the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for his health and well-being, including food,

Recalling also the provisions of the International Covenant on Economic, Social and Cultural Rights recognizing the right to food and the fundamental right of every person to be free from hunger,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling further the Universal Declaration on the Eradication of Hunger and Malnutrition,

Bearing in mind the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit, held in Rome from 13 to 17 November 1996,

Recalling its resolution 1997/8 of 3 April 1997,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions, unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Reaffirming that a peaceful, stable and enabling political, social and economic environment is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration, that food should not be used as an instrument of political and economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures not in accordance with international law and the Charter of the United Nations, which endanger food security or deprive a people of its means of subsistence,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

1. Reaffirms that hunger constitutes an outrage and a violation of human dignity and, therefore, requires the adoption of urgent measures at the national, regional and international level for its elimination;

2. Also reaffirms the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. Considers intolerable that more than 800 million people, specially women and children, throughout the world, and particularly in developing

countries, do not have enough food to meet their basic nutritional needs, which infringes their fundamental human rights;

4. Stresses the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, to reinforce national actions to implement sustainable food security policies;

5. Welcomes the initiative undertaken by the Office of the High Commissioner for Human Rights to convene, as requested by the Commission in resolution 1997/8, the Consultation on the Right to Adequate Food, as a concrete and practical response to objective 7.4 of the Rome Declaration and Plan of Action, in order to better define the rights relating to food in article 11 of the International Covenant on Economic, Social and Cultural Rights and to propose ways to implement and realize those rights as a means of achieving the commitments of the World Food Summit, and urges Member States to cooperate fully with the High Commissioner in this effort;

6. Endorses the proposal made by the Consultation to have a follow-up meeting in 1998 to pursue the discussions on the contents and means of implementation of the right to adequate food in order to provide the High Commissioner with a full set of recommendations concerning her response to the request of the World Food Summit and, in this regard, invites the High Commissioner to promote and encourage broader participation by experts from Member States, relevant specialized agencies and programmes, in particular the Food and Agriculture Organization of the United Nations, as well as non-governmental organizations;

7. Invites the Committee on Economic, Social and Cultural Rights to consider, draft and adopt a general comment as a contribution to the clarification of the content of the right to food, and as part of their input to the meeting proposed in paragraph 6 above;

8. Requests the High Commissioner for Human Rights to report on the implementation of the present resolution to the Commission on Human Rights at its fifty-fifth session.

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Agenda item 5

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Algeria*, Angola*, Bangladesh, Cameroon*, China, Colombia*, Cuba, Democratic People's Republic of Korea*, Democratic Republic of the Congo, Egypt*, Gabon*, Ghana*, Guinea, Haiti*, Iran (Islamic Republic of)*, Iraq*, Kenya*, Madagascar, Mali, Mozambique, Nigeria*, Rwanda, Senegal, Sudan, Swaziland*, Syrian Arab Republic*, Togo*, United Republic of Tanzania*, Viet Nam*, Yemen* and Zimbabwe*: draft resolution

1998/... Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and the resolutions and decisions adopted by the United Nations in connection with the problem of the foreign debt of the developing countries,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Bearing in mind that the absolute amounts attained by the foreign debt and debt service of the developing nations indicate the persistent seriousness of this situation and that despite the improvement in some indicators, the foreign debt burden continues to be intolerable for a considerable number of developing countries,

Aware that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development and living standards in many developing countries, with serious effects of a social nature,

Stressing that the economic globalization process creates new risks and uncertainties,

Expressing its concern at the continuing decline in levels of official development assistance,

Considering that the measures for alleviating the debt problem, of both official and private origin, have not achieved an effective, equitable, development-oriented and durable solution to the outstanding debt and debt service of a large number of developing countries, especially the poorest and heavily indebted countries,

Bearing in mind the relationship between the heavy foreign debt burden and the considerable increase in poverty which is apparent at the world level and is especially large in Africa,

Recognizing that the foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development,

1. Takes note of the report submitted by the Secretary-General in accordance with Commission resolution 1997/10 of 3 April 1997 (E/CN.4/1998/24);

2. Stresses the importance of continuing to implement immediate, effective and durable actions for alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;

3. Affirms that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order which guarantees the developing countries, inter alia, better market access,

stabilization of exchange rates and interest rates, access to financial and capital markets, adequate flows of financial resources and better access to the technology of the developed countries;

4. Stresses the need for the economic programmes arising from the foreign debt to take account of the specific characteristics, conditions and needs of the debtor countries and the need to incorporate the social dimension of development;

5. Affirms that the exercise of the basic rights of the people of the debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies and economic reforms arising from the debt;

6. Emphasizes the important need for the initiatives on the foreign debt, in particular the Debt Initiative for the heavily indebted poor countries and the decision of the Paris Club to go beyond the Naples terms, to be implemented completely and flexibly, and at the same time notes with concern the rigidity of the eligibility criteria approved by the international creditor community in the context of these initiatives;

7. Emphasizes the need for new flows of financial resources to the indebted developing countries, and urges the creditor countries and the international financial institutions to increase financial assistance on favourable terms as a means of supporting the implementation of the economic reforms, combating poverty, and achieving sustained economic growth and sustainable development;

8. Decides, in particular in the light of recent trends, to appoint, for a three-year period, a special rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights;

9. Requests the Special Rapporteur to present an analytical report to the Commission, on an annual basis, beginning at its fifty-fifth session, on the implementation of the present resolution, paying particular attention to:

(a) The negative effects of the foreign debt and the policies adopted to face it on the full enjoyment of economic, social and cultural rights in developing countries;

(b) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

10. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform his or her functions;

11. Urges Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the Special Rapporteur in the discharge of his or her mandate;

12. Recognizes that there is a need for more transparency in the activities of international financial institutions;

13. Considers that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries within the United Nations system, based on the principle of shared interests and responsibilities;

14. Requests the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, in particular of the less developed countries, and especially the social impact of the measures arising from the foreign debt;

15. Decides to continue to consider this matter at its fifty-fifth session in connection with the corresponding agenda item.

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 19

DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Australia*, Austria, Brazil, Canada, Chile, Czech Republic, Denmark, Dominican Republic*, El Salvador, Estonia*, Finland*, France, Germany, Hungary*, Iceland*, Ireland, Italy, Japan, Latvia*, Liechtenstein*, Lithuania*, Luxembourg, Netherlands*, New Zealand*, Nicaragua*, Norway*, Poland, Portugal*, Romania*, Senegal, Slovakia*, South Africa, Spain*, Sri Lanka, Sweden*, Switzerland*, Turkey*, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela: draft resolution

1988/... Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also its subsequent resolutions, in particular resolution 1997/70 of 16 April 1997, in which it decided to continue its work with a view to adopting the draft declaration at its fifty-fourth session,

Recalling further that the World Conference on Human Rights recommended speedy completion and adoption of the draft declaration,

Conscious of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights,

1. Welcomes with deep appreciation the report of the open-ended working group set up by the Commission to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1998/98) and, in particular, the fact that the working group was able to complete its task and to submit the text of the draft declaration to the Commission at its fifty-fourth session;

2. Approves the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as contained in the annex to the present resolution;

3. Decides to consider this issue at its fifty-fifth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission";

4. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Noting Commission on Human Rights resolution 1998/.. of ... 1998, in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1998/98, annex),

"1. Expresses its appreciation to the Commission on Human Rights for finalizing the draft declaration;

"2. Approves the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms as contained in the annex to the present resolution and recommends it to the General Assembly for adoption at its fifty-third session;

"3. Recommends that, after adoption by the General Assembly, the full text of the Declaration should be disseminated as widely as possible."

Annex

Draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

PREAMBLE

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter of the United Nations,

Acknowledging the important role of international cooperation for and the valuable work of individuals, groups and associations in contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity, and from refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible and interdependent and interrelated, and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of these rights and freedoms,

Stressing that the primary responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for, and foster knowledge of, human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political as well as other fields and the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all these rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in this Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed, and within which all activities referred to in this Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations nor as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

(a) To meet or assemble peacefully;

(b) To form, join and participate in non-governmental organizations, associations or groups;

(c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how these rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge of all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to these matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles, and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of one's country and in the conduct of public affairs.

2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs, criticism and proposals for improving their functioning and to draw attention to any aspect of their work which may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in this Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of violation of these rights.

2. To this end, everyone whose rights or freedoms are allegedly violated, has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law, and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms; as well as enforcement of the eventual decision and award; all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, inter alia:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms by petitions or other appropriate means to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials, to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in

association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or failure to act where required, in violating human rights and fundamental freedoms, and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in this Declaration.

In this connection, everyone is entitled, individually and in association with others, to be effectively protected under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States which result in violations of human rights and fundamental freedoms as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms, through peaceful means, in accordance with article 3 of this Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, inter alia:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the State's periodic reports to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institutions.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education, and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to further strengthen, inter alia, understanding, tolerance, peace and friendly relations

among nations and amongst all racial and religious groups, bearing in mind the various backgrounds of societies and communities, in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in this Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Likewise, they have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in this Declaration.

Article 20

Nor shall anything in the present Declaration be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 6

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

China and Colombia (on behalf of the Non-Aligned Movement): draft resolution

1998/... The right to development

The Commission on Human Rights,

Guided by the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling that the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 confirmed that the Right to Development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting that the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights,

Recognizing that the Declaration on the Right to Development constitutes an integral link between the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action (A/CONF.157/23) through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights,

Expressing its concern, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, that the unacceptable situation of absolute poverty, hunger, and disease, lack of adequate shelter, illiteracy and hopelessness remains the lot of over one billion people,

Emphasizing that the promotion, protection and realization of the right to development is an integral part of the promotion and protectionof all human rights,

Noting that the human person is the central subject of development and that development policy should therefore make the human being the main participant and beneficiary of development,

Stressing the importance of creating an economic, political, social, cultural and legal environment that will enable people to achieve social development,

Affirming the need to apply a gender perspective in the implementation of the right to development, inter alia by ensuring that women play an active role in the development process,

Emphasizing that the empowerment of women and their full participation on a basis of equality in all spheres of society is fundamental for development,

Underlining the fact that realization of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Welcoming in this regard the adoption by the General Assembly of the Agenda for Development which declares that development is one of the main

priorities of the United Nations and aims at invigorating a renewed and strengthened partnership for development, based on the imperatives of mutual benefits and genuine interdependence,

Noting with concern that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes and national development strategies and policies and activities of international organizations,

Recalling the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Underlining the important role of the United Nations High Commissioner for Human Rights in the promotion and protection of the right to development, as mandated in paragraph 4 (c) of General Assembly resolution 48/141 of 20 December 1993,

Recalling its resolution 1997/72 of 16 April 1997 and noting General Assembly resolution 52/136 of 12 December 1997,

Taking note with interest of the report (E/CN.4/1998/29) submitted by the Intergovernmental Group of Experts, including the proposed strategy contained therein, and welcomes in particular the recommendation that a follow-up mechanism should be established to ensure promotion and implementation of the Declaration on the Right to Development,

1. Reaffirms the importance of the right to development for every human person and all peoples in all countries, in particular the developing countries, as an integral part of their fundamental human rights as well as the potential contribution its realization could make to the full enjoyment of human rights and fundamental freedoms;

2. Recognizes that the fiftieth anniversary of the Universal Declaration of Human Rights provides an important opportunity to place all human rights at the top of the global agenda and, in this context, the right to development in particular;

3. Reiterates that:

(a) The essence of the right to development is the principle that the human person is the central subject of development and that the right to life includes within it existence in human dignity with the minimum necessities of life;

(b) The existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

(c) For peace and stability to endure, national action and international action and cooperation are required to promote a better life for all in larger freedom, a critical element of which is the eradication of poverty;

4. Reaffirms that democracy, development and respect for human rights and fundamental freedoms, including the right to development, are interdependent and mutually reinforcing, and in this context affirms that:

(a) Development experiences of countries reflect differences with both progress and setbacks, and that the development spectrum has a wide range, not only between countries but also within countries;

(b) A number of developing countries have experienced rapid economic growth in the recent past and have become dynamic partners in the international economy;

(c) At the same time the gap between developed and developing countries remains unacceptably wide and developing countries continue to face difficulties participating in the globalization process, and many risk being marginalized and effectively excluded from its benefits;

(d) Democracy, which is spreading everywhere, has raised development expectations everywhere; that their non-fulfilment risks the rekindling of non-democratic forces and that structural reforms that do not take social realities into account could destabilize democratization processes;

(e) Effective popular participation is an essential component of successful and lasting development;

(f) Democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance and administration in all sectors of society, as well as effective participation by civil society, are an essential part of the necessary foundations for the realization of social- and people-centered sustainable development;

(g) The participation of developing countries in the international economic decision-making process needs to be broadened and strengthened;

5. Urges all States to eliminate all obstacles to development at all levels, by pursuing the promotion and protection of economic, social,

cultural, civil and political rights and by implementing comprehensive development programmes at the national level, integrating these rights into development activities, and by promoting effective international cooperation;

6. Reaffirms that all human rights are universal, indivisible, interdependent and interrelated and that the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured;

7. Affirms that international cooperation is acknowledged more than ever as a necessity deriving from recognized mutual interest, and therefore that such cooperation should be strengthened in order to support the efforts of developing countries to solve their social and economic problems and to fulfill their obligations to promote and protect all human rights;

8. Welcomes the intention of the Secretary-General to give high priority to the right to development and urges all States to further promote the right to development as a vital element in a balanced human rights programme;

9. Also welcomes the high priority devoted by the High Commissioner for Human Rights to activities relating to the right to development, and urges the Office of the High Commissioner for Human Rights to continue implementing Commission resolution 1997/72, in particular with regard to:

(a) Examining ways and means to provide the Declaration on the Right to Development with a profile commensurate with its importance;

(b) Continuing to accord priority to the right to development and providing commensurate support in terms of staff, services and resources for its programmatic follow-up;

(c) Ensuring widespread dissemination and promotion of the Declaration on the Right to Development, in close cooperation with States and intergovernmental organizations, national institutions, academia and interested non-governmental organizations worldwide, inter alia through workshops and seminars;

(d) Projecting the role and importance of the right to development in activities being organized as part of the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights;

(e) Consulting regularly on a formal and informal basis with all States on the follow-up to the Declaration on the Right to Development

(f) The welcome initiative to organize regional seminars which should focus on all aspects of the realization of the right to development;

(g) Undertaking with the World Bank a dialogue with regard to the right to development, including initiatives, policies, programmes and activities that can promote the right to development, and informing Member States on a regular basis of the progress in such a dialogue;

10. Decides, in view of the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development, to recommend to the Economic and Social Council the establishment of a follow-up mechanism, initially for a period of three years, consisting of:

(a) The establishment of an open-ended working group to meet for a period of five working days each year, after the fifty-fifth and fifty-sixth sessions of the Commission on Human Rights, with a mandate to:

(i) Monitor and review progress made in the promotion and implementation of the right to development, as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon, and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration on the Right to Development;

(ii) Review reports and any other information submitted by States, United Nations agencies, other relevant international organizations and non-governmental organizations on the relationship between their activities and the right to development;

(iii) Present for the consideration of the Commission on Human Rights a sessional report on its deliberations, including, inter alia, advice to the Office of the High Commissioner for Human Rights with regard to the implementation of the right to development, and suggesting possible programmes of technical assistance at the request of interested countries with the aim of promoting the implementation of the right to development;

(b) The appointment by the Chairman of the Commission on Human Rights of an independent expert with high competence in the field of the right to development, with a mandate to present to the Working Group at each of its sessions a study on the current state of progress in the implementation of the right to development as a basis for a focused discussion, taking into account, inter alia, the deliberations and suggestions of the Working Group;

11. Invites the High Commissioner for Human Rights to present a report to the Commission each year for the duration of the mechanism, to provide interim reports to the Working Group and to make these reports available to the independent expert, in each case covering:

(a) The activities of her Office relating to the implementation of the right to development as contained in her mandate;

(b) The implementation of resolutions of the Commission and the General Assembly with regard to the right to development;

(c) Inter-agency coordination within the United Nations system for the implementation of relevant resolutions of the Commission in that regard;

12. Calls upon the Secretary-General to ensure that the Working Group and the independent expert receive all necessary assistance, in particular the staff and resources required to fulfil their mandates;

13. Requests the Secretary-General to submit to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session a comprehensive report on the implementation of the various provisions of the present resolution;

14. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/... of ... April 1998, endorses the Commission's decision, in view of the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development, to establish a follow-up mechanism, initially for a period of three years, consisting of:

(a) The establishment of an open-ended working group to meet for a period of five working days each year, inter-sessionally after the fifty-fifth and fifty-sixth sessions of the Commission on Human Rights, with a mandate to:

(i) Monitor and review progress made in the promotion and implementation of the right to development, as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon, and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration on the Right to Development;

(ii) Review reports and any other information submitted by States, United Nations agencies, other relevant international organizations and non-governmental organizations on the relationship between their activities and the right to development;

(iii) Present for the consideration of the Commission on Human Rights a sessional report on its deliberations, including, inter alia, advice to the Office of the High Commissioner for Human Rights with regard to the implementation of the right to development, and suggesting possible programmes of technical assistance at the request of interested countries with the aim of promoting the implemnetation of the right to development;

(b) The appointment by the Chairman of the Commission on Human Rights of an independent expert with high competence in the field of the right to development, with a mandate to present to the Working Group at each of its meetings a study of the current state of progress in the implementation of the right to development as a basis for a focused discussion, taking into account, inter alia, the deliberations and suggestions of the Working Group.

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COMMISSION ON HUMAN RIGHTS
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Agenda item 5

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Senegal (on behalf of the African Group): draft resolution

1998/ ... Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly on the question of the human rights to life and to good health of every individual, and to a clean and healthy environment,

Recalling its resolutions 1979/9 of 3 April 1997, 1997/14 of 11 April 1996, 1995/81 of 8 March 1995, 1993/90 of 10 March 1993, 1991/47 of 5 March 1991, 1990/43 of 6 March 1990 and 1989/42 of 6 March 1989,

Recalling also General Assembly resolutions 46/126 of 17 December 1991, 45/13 of 7 November 1990, 44/226 of 22 December 1989, 43/212 of 20 December 1988 and 42/183 of 11 December 1987 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling further debates at the regional level, specifically resolution 1153 (XLVIII) of 25 May 1988 of the Council of Ministers of the Organization of African Unity declaring that the dumping of toxic wastes in the continent was a crime against Africa and the African people,

Affirming that the illicit movement and dumping of toxic and dangerous substances and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

Mindful of the call by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

Aware of the increasing rate of illicit movement and dumping in African and other developing countries that do not have the national capacity to deal with them in an environmentally-sound manner by transnational corporations and other enterprises from industrialized countries of toxic and dangerous products that constitute a serious threat to the human rights to life and health of everyone, and which they cannot dispose of within their territories of operation,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

1. Takes notes of the progress report of the Special Rapporteur and, in particular, her conclusions and recommendations (E/CN.4/1998/10 and Add.1);

2. Welcomes the report of the Special Rapporteur on her mission to Africa (E/CN.4/1998/10/Add.2) and in particular expresses its appreciation to the Governments of Ethiopia and South Africa for the cooperation extended to the Special Rapporteur during her visit to those countries;

3. Categorically condemns the increasing rate of dumping of toxic and dangerous products and wastes in developing countries, which adversely affects the human rights to life and health of individuals in those countries;

4. Reaffirms that illicit traffic and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life, health and a sound environment of every individual;

5. Urges all Governments to take legislative and other appropriate measures with a view to preventing illegal international trafficking in toxic and hazardous products and wastes;

6. Invites the United Nations Environment Programme, the secretariat for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization and the Organization of African Unity and other regional organizations to intensify their coordination and international cooperation and technical assistance on environmentally-sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. Welcomes the decision adopted at the Fourth Meeting of the Conference of the Parties to the Convention, held in Kuching, Malaysia from 23 to 27 February 1998, regarding the illegal traffic in hazardous wastes which emphasized the need for the parties to cooperate with each other and with the secretariat on alleged cases of illegal traffic, and also welcomes the negotiations towards the adoption of a new convention on international trade in hazardous chemicals and pesticides;

8. Expresses its appreciation to the relevant United Nations agencies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, for the support extended to the Special Rapporteur, and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

9. Urges the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention to give appropriate support to the developing countries, upon their request, in their efforts to implement the

provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

10. Requests the Special Rapporteur, in preparing her next report, to continue to consult all relevant bodies, in particular the secretariat for the Basel Convention, and urges all Governments, United Nations bodies, specialized agencies, the United Nations Environment Programme, the secretariat for the Basel Convention and non-governmental organizations to continue to cooperate fully with the Special Rapporteur by providing information on the movement and dumping of toxic and dangerous products and wastes;

11. Also requests the Special Rapporteur to continue to consult all relevant United Nations bodies and organizations and the secretariats of relevant existing or future international conventions and to undertake, within her mandate, a global multidisplinary and comprehensive study of existing problems of and solutions to illicit traffic in, transfer and dumping of toxic and dangerous products and wastes in African and other developing countries, with a view to making recommendations and proposals, in her next report, on adequate measures to control, reduce and eradicate these phenomena;

12. Reiterates its request to the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission information on the illicit movement and dumping of toxic and dangerous products and wastes in African and other developing countries;

13. Also reiterates its request to the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission comprehensive information on persons killed, maimed or otherwise injured in the developing countries through this heinous act;

14. Encourages the Special Rapporteur, in accordance with her mandate and with support and assistance from the Office of the High Commissioner for Human Rights, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report, and to have their observations reflected in her report to the Commission;

15. Decides to renew the mandate of the Special Rapporteur for a period of three years;

16. Urges the Secretary-General to make all necessary resources available to the Special Rapporteur to enable her to carry out her mandate successfully and, in particular, to provide her with adequate financial and human resources, including administrative support;

17. Decides to continue consideration of the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights at its fifty-fifth session under the agenda item entitled: "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

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Agenda item 5

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

Senegal (on behalf of the African Group): draft resolution

1998/... Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly on the question of the human rights to life, to good health and to a sound environment for every individual,

Recalling its resolutions 1997/9 of 3 April 1997, 1996/14 of 11 April 1996, 1995/81 of 8 March 1995, 1993/90 of 10 March 1993, 1991/47 of 5 March 1991, 1990/43 of 6 March 1990 and 1989/42 of 6 March 1989,

Recalling also General Assembly resolutions 46/126 of 17 December 1991, 45/13 of 7 November 1990, 44/226 of 22 December 1989, 43/212 of 20 December 1988, and 42/183 of 11 December 1987 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling further debates at the regional level, specifically resolution 1153 (XLVIII) of 25 May 1988 of the Council of Ministers of the Organization of African Unity declaring that the dumping of toxic wastes in the continent was a crime against Africa and the African people,

Affirming that the illicit movement and dumping of toxic and dangerous substances and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

Mindful of the call by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

Aware of the increasing rate of illicit movement and dumping by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes in African and other developing countries that do not have the national capacity to deal with them in an environmentally sound manner which constitutes a serious threat to the human rights to life, good health and a sound environment for everyone,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

1. Takes note of the progress report of the Special Rapporteur (E/CN.4/1998/10/ and Add.1) and, in particular, the conclusions and recommendations contained therein;

2. Welcomes the report of the Special Rapporteur on her mission to Africa (E/CN.4/1998/10/Add.2) and, in particular, expresses its appreciation to the Governments of Ethiopia and South Africa for the cooperation extended to the Special Rapporteur during her visit to those countries;

3. Categorically condemns the increasing rate of dumping of toxic and dangerous products and wastes in developing countries, which adversely affects the human rights to life and health of individuals in those countries;

4. Reaffirms that illicit traffic and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life, health and a sound environment of every individual;

5. Urges all Governments to take legislative and other appropriate measures with a view to preventing illegal international trafficking in toxic and hazardous products and wastes;

6. Invites the United Nations Environment Programme, the secretariat for the Basel Convention on the control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Commission on Sustainable Development, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization and the Organization of African Unity and other regional organizations to intensify their coordination and international cooperation and technical assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. Takes note of the decision adopted at the Fourth Meeting of the Conference of the Parties to the Convention, held in Kuching, Malaysia from 23 to 27 February 1998, regarding the illegal traffic in hazardous wastes which emphasized the need for the parties to cooperate with each other and with the secretariat on alleged cases of illegal traffic, and also welcomes the negotiations towards the adoption of a new convention on international trade in hazardous chemicals and pesticides;

8. Expresses its appreciation to the relevant United Nations agencies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, for the support extended to the Special Rapporteur, and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

9. Urges the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to give appropriate support to the developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the

transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

10. Decides to renew the mandate of the Special Rapporteur for a period of three years in order that she may continue to undertake, in consultation with the relevant United Nations bodies and organizations and the secretariats of relevant international conventions, a global multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;

11. Requests the Special Rapporteur to continue to consult all relevant United Nations bodies, organizations and secretariats, in particular the Chemical Division of the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations and the secretariat for the Basel Convention, and to take duly into account the progress made in other forums and identify loopholes;

12. Reiterates its request to the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission comprehensive information on persons killed, maimed or otherwise injured in the developing countries through this heinous act;

13. Encourages the Special Rapporteur, in accordance with her mandate and with the support and assistance of the Office of the High Commissioner for Human Rights, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report, and to have their observations reflected in her report to the Commission;

14. Urges the Secretary-General to make all necessary resources available to the Special Rapporteur to enable her to carry out her mandate successfully and, in particular, to provide her with adequate financial and human resources, including administrative support;

15. Decides to continue consideration of the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products

and wastes on the enjoyment of human rights at its fifty-fifth session under the agenda item entitled: "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

United States of America: proposed amendments to draft resolution E/CN.4/1998/L.20

1. Replace PPs 2 and 3 with the following:

"Recalling its resolution 1997/9 of 3 April 1997, Economic and Social Council decision 1995/288 of 25 July 1995 and General Assembly resolution 46/126 of 17 December 1991,"

2. Delete PP 4

3. PP 5, delete human rights to

4. Delete PP 6

5. Delete PP 7

6. PP 9, delete from industrialized countries

7. PP 10, delete human rights to

8. OP 2, for Welcomes read Takes note of

9. OP 3, delete increasing rate of; delete in developing countries

10. OP 4, delete the human rights to; delete of every individual

11. OP 7, for Welcomes read Takes note of

12. OP 8, after Special Rapporteur delete all text

13. OP 9, after Basel Convention, replace text with the following:

(a) To pay appropriate attention to the reports of the Special Rapporteur and any human rights aspects of the phenomenon of the transboundary movement and dumping of toxic and dangerous products and wastes she may have identified in her reports;

(b) To identify appropriate means of responding to requests from States for assistance in implementing existing instruments controlling this phenomenon;

14. Replace OPs 10-15 with the following new OPs 10, 11 and 12:

10. Decides to renew the mandate of the Special Rapporteur for one year, and requests the Special Rapporteur, after consulting the competent United Nations bodies, in particular the secretariat for the Basel Convention and the United Nations Environment Programme, to submit a final report to the Commission at its fifty-fifth session on:

(a) Ways and means to alert the relevant bodies to the issues raised in her reports;

(b) How the relevant bodies propose to undertake an organized response to these issues, taking into account the need to avoid duplication of mandates within the United Nations system;

(c) Measures for control of this phenomenon that may be under consideration by the competent bodies;

11. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

12. Decides to study the need for follow-up to the present resolution at its fifty-fifth session, under the same agenda item, on the basis of the final report of the Special Rapporteur.

15. Delete OP 17 (covered by OP 11, above).

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Fifty-fourth session
Agenda item 23

INDIGENOUS ISSUES

Argentina, Australia*, Canada, Chile, Cyprus*, Denmark, Ecuador, Estonia*, Finland*, Greece*, Guatemala, Honduras*, Ireland, Latvia*, Mexico, New Zealand*, Nicaragua*, Norway*, Peru, Russian Federation, Spain*, Sweden*, Switzerland* and United Kingdom of Great Britain and Northern Ireland: draft resolution

1998/... Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

The Commission on Human Rights,

Recalling its previous resolutions on the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People, in particular resolution 1997/32 of 11 April 1997,

Recalling also Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

Affirming its recognition of the value and diversity of the cultures and forms of social organization of indigenous people, and that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world,

Recalling that the goal of the International Decade of the World's Indigenous People is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

I

Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

1. Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50) and of the report of the Working Group on its fifteenth session (E/CN.4/Sub.2/1997/14);

2. Urges the Working Group to continue its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people, and welcomes its proposal to highlight specific themes of the International Decade of the World's Indigenous People at its future sessions, including giving priority at its sixteenth session to the theme of education and language;

3. Invites the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people;

4. Recommends to the Economic and Social Council that the Working Group be authorized to meet for five working days prior to the fiftieth session of the Sub-Commission;

5. Invites the Working Group to continue its consideration of ways in which the expertise of indigenous people can contribute to the work of the Working Group, and encourages initiatives by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group;

6. Requests the Secretary-General:

(a) To provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

(b) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

7. Appeals to all Governments, organizations and individuals in a position to do so to consider contributing to the United Nations Voluntary Fund for Indigenous Populations;

II

International Decade of the World's Indigenous People

8. Takes note of the report of the United Nations High Commissioner for Human Rights (E/CN.4/1998/107);

9. Invites the Working Group on Indigenous Populations to continue its review of activities undertaken during the International Decade of the World's Indigenous People, and encourages Governments and intergovernmental

and non-governmental organizations to provide information on the implementation of the goals of the Decade, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

10. Welcomes the affirmation by the General Assembly that a major objective of the Decade is the adoption of a declaration on the rights of indigenous people and its recognition that among the important objectives of the Decade is the consideration of the possible establishment of a permanent forum for indigenous people in the United Nations system;

11. Requests the High Commissioner for Human Rights to consider organizing, taking into account the United Nations Decade for Human Rights Education and the priority to be given, including to education and language, at the sixteenth session of the Working Group on Indigenous Populations, and recognizing the importance of strengthening the capacity of indigenous people to develop their own solutions to their problems, a workshop for research and higher education institutions focusing on indigenous issues in education, to improve exchange of information between such institutions and to encourage future cooperation, in consultation with indigenous people and in collaboration with the United Nations Educational, Scientific and Cultural Organization and other relevant United Nations bodies;

12. Requests the High Commissioner for Human Rights, in her capacity as coordinator of the Decade, to submit an updated annual report reviewing activities within the United Nations system under the programme of activities for the Decade to the Commission on Human Rights at its fifty-fifth session under the agenda item entitled "Indigenous issues", in accordance with the request by the General Assembly to the Secretary-General;

13. Emphasizes the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

14. Encourages Governments to support the Decade by contributing to the Voluntary Fund for the Decade;

15. Also encourages Governments, as appropriate, recognizing the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with indigenous people, by:

(a) Preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(b) Seeking means of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;

(c) Identifying resources for activities designed to implement the goals of the Decade;

16. Appeals to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

17. Encourages Governments to consider contributing, as appropriate, in support of the achievement of the goals of the Decade, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean;

18. Recommends that the High Commissioner for Human Rights, when developing programmes within the framework of the International Decade of the World's Indigenous People and the United Nations Decade for Human Rights Education, give due regard to the development of human rights training for indigenous people;

19. Encourages the High Commissioner for Human Rights to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding indigenous people;

20. Invites the United Nations financial and development institutions, operational programmes and specialized agencies, in accordance with the existing procedure of their governing bodies:

(a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of these people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(b) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(c) To designate focal points or other mechanisms for coordination with the High Commissioner for Human Rights of activities relating to the Decade;

21. Decides to consider the International Decade of the World's Indigenous People at its fifty-fifth session under the agenda item entitled "Indigenous issues".

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INDIGENOUS ISSUES

Argentina, Australia*, Canada, Chile, Cyprus*, Denmark, Finland*, Guatemala, Mexico, New Zealand*, Nicaragua*, Norway*, Peru, Sweden* and Switzerland*: draft resolution

1998/.. Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming its resolution 1995/32 of 3 March 1995, in which it established an open-ended inter-sessional working group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Draft

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People,

Reaffirming in particular that the invitation contained in that resolution was addressed to organizations of indigenous people seeking authorization to participate in the working group,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

Recalling General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission,

Welcoming the progress made in the process of drafting a declaration on the rights of indigenous people, and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

Recalling the need for the working group to consider all aspects of the draft declaration, including its scope of application,

1. Takes note of the report of the working group (E/CN.4/1998/106 and Corr.1) and welcomes the continuation and positive nature of the deliberations of the working group, particularly the measures taken to ensure effective input by organizations of indigenous people;

2. Expresses its appreciation for the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the working group under the procedures set out in the annex to Commission on Human Rights resolution 1995/32;

3. Welcomes the decisions of the Economic and Social Council approving the participation of organizations of indigenous people in the work of the working group, and urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission on Human Rights resolution 1995/32;

4. Recommends that the working group meet for ten working days prior to the fifty-fifth session of the Commission on Human Rights, the cost of the meeting to be met from within existing resources;

5. Encourages organizations of indigenous people which are not already registered to participate in the working group and which wish to do so to apply for authorization in accordance with the procedures set out in the annex to Commission on Human Rights resolution 1995/32;

6. Requests the working group to submit a progress report for consideration by the Commission on Human Rights at its fifty-fifth session under the agenda item entitled "Indigenous Issues";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Taking note of Commission on Human Rights resolution 1998/.. of .. April 1998,

"1. Authorizes the open-ended inter-sessional working group of the Commission on Human Rights established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of ten working days prior to the fifty-fifth session of the Commission, the costs of the meeting to be met from within existing resources;

"2. Requests the Secretary-General to extend all necessary facilities, from within existing United Nations resources, to the working group for its meetings."